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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,049	01/08/2002	Michael Wayne Brown	AUS920000718US1	4476
74965 7590 12/12/2007 KONRAD RAYNES & VICTOR, LLP. ATTN: IBM72 315 S. BEVERLY DRIVE SUITE 210 BEVERLY HILLS, CA 90212			EXAMINER CHEA, PHILIP J	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/042,049

Applicant(s)

BROWN ET AL.

Examiner

Philip J. Chea

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16, 21-28 and 33-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 21-28 and 33-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/15/07.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This Office Action is in response to an Amendment filed September 15, 2007. Claims 1-16,21-28, and 33-48 are currently pending. Any rejection not set forth below has been overcome by the current Amendment.

#### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on September 15, 2007 was filed after the mailing date of the Examiner Answer on July 19, 2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,5-11,13-16,21-25,27-28,33-35,37-43,45-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Berenson et al. (US 2001/0049617), herein referred to as Berenson.

As per claims 1,21,33, Berenson discloses a system implemented by a wireless device to provide information on a scheduled event in a person information manager (PIM) application, wherein the wireless device performs:

receiving a code provided with a promotion of a promoted event sponsored by a third party entity (see page 2, paragraph [0027]);

transmitting the received code to a server including a calendar database having personal calendar information for a user of the transmitting wireless device including scheduled event records, wherein the server maintains an association of promoted event codes with third party entities sponsoring the promoted events, and wherein the received code is provided from a source external to the server (see page 2 paragraph [0029]);

receiving from the server a scheduled event record including information on the promoted event associated with the code (see page 2, paragraph [0029]); and

rendering calendar information from the calendar database at the wireless device including information on the scheduled event included in the scheduled event record (see page 4, paragraph [0045]).

As per claims 2,34, Berenson further discloses that the code is entered via a user input mechanism on the wireless device (see page 2, paragraph [0027]).

As per claims 3,35, Berenson further discloses that the code is transmitted to the wireless device via a wireless transmission medium (see page 4, paragraph [0045]).

As per claims 5,22,37, Berenson further discloses that the scheduled event record is displayed with the calendar information at the wireless device as a non-committed event (see page 2, paragraph [0024]).

As per claims 6,38, Berenson further discloses that the code is transmitted to the server in response to the user input at the wireless device (see page 2, paragraph [0027]).

As per claims 7,39, Berenson further discloses receiving a plurality of codes associated with promoted events sponsored by at least one third party entity, wherein transmitting the code to the server comprises transmitting the plurality of codes, wherein receiving the scheduled event record from the server further comprises receiving one scheduled event record for each transmitted code, and wherein rendering calendar information at the wireless device including information on the scheduled event comprises rendering information on scheduled events for the received scheduled event records (see page 2, paragraphs [0027,0029]).

As per claims 8,23,40, Berenson discloses a system implemented by a server to provide schedule events for users of wireless devices, wherein the wireless devices are capable of displaying calendar information on scheduled events, comprising:

maintaining an association of codes with promoted events sponsored by third party entities, wherein the received codes are provided to the users of the wireless device from a source external to the server and with a promotion of a promoted event sponsored by a third party entity; (see page 2, paragraph [0024]);

maintaining a calendar database having personal information for the users of the wireless devices (see paragraph [0026]);

receiving a code associated with on promoted event sponsored by one third party entity transmitted from one of the wireless devices (see page 2, paragraph [0027]);

determining a scheduled event record including information on the promoted event corresponding to the received code (see page 3, paragraph [0030]);

adding the determined schedule event record to the calendar database for the user of the wireless device that transmitted the code (see page 2, paragraph [0029]); and

transmitting the determined scheduled event record to the wireless device that transmitted the code, wherein the wireless device is capable of rendering calendar information including information on the scheduled event included in the transmitted scheduled event record (see page 2, paragraph [0029]).

As per claims 9,41, Berenson further discloses providing a data structure including a plurality of codes and associating with each code one scheduled event record, wherein determining the scheduled event record corresponding to the received code comprises searching the data structure for one code matching the received code transmitted from the wireless device and the associated scheduled event record (see page 2, paragraph [0027]).

As per claims 10,24,42, Berenson further discloses that a plurality of codes are received from the wireless device and one determined scheduled event record for each code is transmitted to the wireless device transmitting the plurality of codes (see page 2, paragraph [0027]).

As per claims 11,25,43, Berenson further discloses that schedule event records and codes are provided for different event promoters (see page 2, paragraph [0020]).

As per claims 13,27,45 Berenson further discloses a system implemented by a wireless device to provide information on a scheduled event to a personal information manager (PIM) application, wherein the wireless device performs:

receiving a scheduled event record including information on a scheduled event transmitted from a transmitter system for a promoted event sponsored by a third party entity including at least one scheduled event record when the wireless device is within a broadcast range of the transmitter system (see page 2, paragraph [0024], and paragraph [0007], wherein receiving event messages with wireless transmission implicitly, if not inherently, requires that the wireless device is within a broadcast range of the transmitter system in order to receive the event);

rendering calendar information at the wireless device including information on the promoted event included in the scheduled event record (see page 4, paragraph [0045]); and

transmitting the scheduled event record for the promoted event to a server including a calendar database for a user of the transmitting wireless device including scheduled event records, wherein the server stores the transmitted scheduled event record for the promoted event with the calendar database records for the user of the wireless device (see page 3, paragraph [0030]).

As per claims 14,46, Berenson further discloses receiving user input to accept the scheduled event record, wherein information on the scheduled event in the scheduled event record is rendered with calendar information and wherein the scheduled event record is transmitted to the server to include in the calendar database for the user of the wireless device after receiving the user input to accept the scheduled event record (see Berenson page 3, paragraph [0032]).

As per claims 15,28,47 Berenson further discloses receiving a list of scheduled events for promoted events from at least one third party entity from the transmitter system (see page 2, paragraph [0021]);

receiving user input selecting at least one of the scheduled events on the list for one promoted event (see Berenson page 2, paragraph [0024]); and

transmitting information on the selected at least one schedule event to the transmitter system, wherein receiving the scheduled event record further comprises receiving one scheduled event record for each selected scheduled event (see Berenson page 2, paragraph [0029]).

As per claims 16,48, Berenson further discloses that rendering the calendar information at the wireless device further comprises rendering information on the scheduled event included in each received scheduled event record, and wherein transmitting the scheduled event to the server further comprises transmitting each scheduled event to the server (see Berenson page 2, paragraph [0024]).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berenson as applied to claims 3 and 35 above, and further in view of Extended Systems ("IrDA versus Bluetooth: A Complementary Comparison").

Although the system disclosed by Berenson shows a code transmitted to a wireless device, transmitted from the wireless device to the server, it fails to disclose that the code is rendered at the wireless device automatically without any intervening user action.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Berenson, as evidenced by Extended Systems.

In an analogous art, Extended Systems disclose methods of communicating by wireless transmission further showing that it would have been obvious to allow a code rendered at a wireless device automatically without any intervening user action (see page 4, paragraph 2, where information is extended between two devices without user intervention).

Given the teaching of Extended Systems, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Berenson by employing data transmission without any intervening user action, such as disclosed by Extended Systems, in order to allow a user to synchronize a handheld device with another computer without having to utilize messy cords.

Claims 12,26,44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Berenson as applied to claims 11,25,43, above, and further in view of Ciarlante et al. (US 6,532,488).

As per claims 12,26,44, although the system disclosed by Berenson shows making scheduled event records for the promoter available to wireless devices in response to transmissions of the code associated with the scheduled event record (see page 2, paragraph [0029]), it fails to disclose charging a fee to the event promoter to include one scheduled event record in the data structure.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Berenson, as evidenced by Ciarlante et al.

In an analogous art, Ciarlante et al. disclose a host server connected to different independent software vendors, which provide applications to the host server, which are available for use by clients. Ciarlante further discloses charging a fee to the independent software vendors for hosting the software made available to the clients (see column 12, lines 36-45).

Given the teaching of Ciarlante et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Berenson by employing a charging system for utilizing a hosting system, such as disclosed by Ciarlante, in order for a hosting system to profit off independent vendors to use the portal to the vendors that the hosting system provides.

### ***Response to Arguments***

(A) Applicant contends that Berenson does not disclose a wireless device receiving a code provided with the promotion of a promoted event from a source external to the server or calendaring system as claimed.

In considering (A), the Examiner respectfully disagrees. Evidence that the user device is wireless can be found in paragraph 19. Receiving a code is considered the hyperlink that is received by a user when the user accesses a program listing web site (see paragraph 21). Also see Fig. 2 showing the web site that is presented to the user. The web site is being viewed on the user device, thus the underlined text (i.e. hyperlink) is received by the user. Applicants specification show that the event code may comprise any alpha-numeric string (see page 18, lines 13-14). A hyperlink is a coded address that can be made up from a string of letters and/or numbers. Therefore, the Examiner believes that the hyperlink presented to the user can be considered the code. The code is associated with a promotion of a promoted event because the program listing web site can be applicable to events such, artistic events, sporting events, etc (see paragraph 20). The code is from a source external to the server because the codes are provided from a variety of sources such as, public or private events, campus events, etc. Further evidence suggesting that the code is from a source external to the server can be found in paragraph 25, describing how raw event data is formatted and sent to an event database where it finally may be accessed by the server [306]]. Therefore, the user-received hyperlink is retrieved from the event database.

(B) Applicant contends that Berenson does not disclose transmitting the code to the server having the calendar database.

In considering (B), the Examiner respectfully disagrees. Berenson shows that a user may select a link (i.e. code) directly from the public events schedule (see paragraph 27), thereby transmitting the code to the calendaring system so that it can remind the user of the event (see paragraph 26).

(C). Applicant contends that Berenson does not disclose the server including the personal calendar information also maintain an association of promotion event codes, which are transmitted from an external source to a wireless device.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the server including the personal

calendar information also maintain an association of promotion event codes) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claim merely requires that the server receive the code. There is no indication in the claim that the calendar information and event are maintained together.

(D) Applicant contends that Berenson does not show that the event message providing a reminder of the event be sent from a source external to the serving having the personal calendar information and that the wireless device transmit that code back to the server having the personal calendar information.

In considering (D), the Examiner respectfully disagrees. Please see discussion of point (A).

(E) Applicant contends that Berenson does not show that the event record is displayed with calendar information as a non-committed event.

In considering (E), the Examiner respectfully disagrees. Berenson shows that non-committed events (i.e. programs that have not been individually selected for event reminding) are presented to a user for selection. The calendar information is considered the schedule to be broadcast. It is implied if not inherent that the schedule includes some type of calendar information such as, date, time, day, etc.

(F) Applicant contends that Berenson does not disclose that a wireless device receives a plurality of codes associated with promoted events from a source external to the server.

In considering (F), the Examiner respectfully disagrees. Please see discussion of point (A).

(G) Applicant contends that Berenson does not disclose a server that maintains a calendar a database having personal information for users of the wireless devices also maintain an association of codes with events sponsored by third party entities, where the code is provided to the wireless devices from a source external to the server.

In considering (G), the Examiner respectfully disagrees. Berenson shows that the server maintains an association of codes with events sponsored by third party entities by showing that a user may select certain programs (i.e. events sponsored by third party entities) and have the server notify the user about the program. The code is considered the hyperlink as discussed above that allows a user to obtain more information about the program. The code is provided to the wireless device from a source external to the server as discussed above.

(H) Applicant contends that Berenson does not disclose that a server determine a scheduled event record having information on a promoted event that corresponds to the received code.

In considering (H), the Examiner respectfully disagrees. Berenson shows that a server determines scheduled event records by an event message processor that is used to check changes to schedules and send notifications for events. For the received code, please see point (A) discussed above.

(I) Applicant contends that Berenson does not disclose that a code received from a wireless device that the wireless device received from a source external to the server is used to determine a scheduled event record for a promoted event to add to the calendar database of the user.

In considering (I), the Examiner respectfully disagrees. Berenson shows that a user may search for events and then select a hyperlink (i.e. code) to set the event as a reminder. Please see discussion of point (A).

(J) Applicant contends that Berenson does not disclose that the server maintain an association of scheduled events and code for different event promoters.

In considering (J), the Examiner respectfully disagrees. Berenson shows that the calendaring system can be used with different event promoters such as public or private events, sporting events etc. Each of those different events are completely different, thus are associated with different event promoters.

(K) Applicant contends that Berenson does not disclose that the wireless device that receives a scheduled event on a promoted event from a transmitter system also transmit the scheduled event record for the promoted event to a server that has the calendar database for the user of the transmitting wireless device, and that the server stores the transmitted scheduled event record for the promoted event with the calendar database records for the user of the wireless device.

In considering (K), the Examiner respectfully disagrees. Please consider discussion of point (A), showing how a wireless device user can receive hyperlinks (i.e. code) that correspond to scheduled events on a promoted event from a transmitter system (i.e. web server), where the scheduled event record is transmitted to a server that has a calendar database (i.e. event master schedule), and that the server stores the transmitted scheduled event record for the promoted event with the calendar database records for the user of the wireless device (i.e. event record is stored so that event messages can be sent to users).

(L) Applicant contends that Berenson in view of Extended Systems does not disclose that the three transmissions are performed without intervening user interaction, of transmitting the code to the wireless device, transmitting the code to the server, and rendering the code at the wireless device.

In considering (L), the Examiner respectfully disagrees. Extended Systems shows that a device can synchronize with another device while the device remains in the user's pocket (i.e. no user interaction). At the time of the invention, a person having ordinary skill in the art would find it obvious that Berenson's teaching of transmitting code can be performed while the device is in the user's pocket (i.e. no user interaction) since it is well known that data can be transmitted (i.e. synchronizing) without user intervention.

(M) Applicant contends that Berenson in view of Ciarlante does not disclose that a fee is charged to an event promoter to include a scheduled event record in a data structure maintained by a server that has the user calendar database to make promoter scheduled event records available to wireless devices.

In considering (M), the Examiner respectfully disagrees. At the time of the invention, a person having ordinary skill in the art would have found it obvious that a server system such as a calendaring system could charge an event promoter to use their hosting system (i.e. the calendaring system). The calendaring system is analogous to the hosting system in that an ISP can charge users to use for bandwidth and disk usage to host their content. The system of Berenson could charge event promoters bandwidth and disk usage to host their promoted events.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea  
Examiner  
Art Unit 2153

PJC 12/6/07

  
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